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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,942	11/14/2003	Hiroaki Endo	03500.017819	7415
5514 7590 03/20/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
WENDMAGEGN, GIRUMSEW				
ART UNIT		PAPER NUMBER		
2621				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/706,942

Applicant(s)

ENDO, HIROAKI

Examiner

GIRUMSEW WENDMAGEGN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/21/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10 and 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim1, 3-10 and 12-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim1, 3-10, and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Tauchi et al (Pub No US 2001/0055473).

Regarding claim1,10, Tauchi et al (hereinafter Tauchi) anticipates a recording apparatus comprising: input means for inputting a high definition image signal and a standard definition image(see figure2 SD HD input) ; encoding means for encoding the high definition image signal input by said input means by a first encoding method to output high definition encoded image data, and encoding the standard definition image signal input by said input means by a second encoding method different from the first encoding method to output standard definition encoded image data (see figure2 elements 1 and 2) ; sync data generating means for generating sync data for the high definition image signal and sync data for the standard definition image signal, the sync data for the standard definition image signal having a different sync pattern from the

sync data for the high definition image signal (see figure2 element 5); mode setting means for setting one of a high definition image recording mode in which the high definition image signal input by said input means is recorded and a standard definition image recording mode in which the standard definition image signal input by said input means is recorded (see figure2 element 3); control means for controlling said sync data generating means in accordance with the recording mode set by said mode setting means so as to generate the sync data for the high definition image signal in the high definition image recording mode and to generate the sync data for the standard definition image signal in the standard definition image recording mode (see figure2 element 11; page4 paragraph 0071); and recording means for forming a plurality of sync blocks by adding said the sync data for the high definition image signal to each of a predetermined amount of said the high definition encoded image data and recording an encoded data stream constructed by said plurality of sync blocks of the high definition encoded image data onto the recording medium in the high definition image recording mode, and for forming a plurality of sync blocks by adding the sync data for the standard definition image signal to each of a predetermined amount of the standard definition encoded image data and recording an encoded data stream constructed by said plurality of sync blocks of the standard definition encoded image data onto the recording medium in the standard definition image recording mode (see page4 paragraph 0071).

Regarding claim3, 12, Tauchi anticipates an apparatus according to claim1, wherein said first encoding method is an MP@HL method or an MP@H-14 method in

an MPEG encoding system and said second encoding method is a DV format method specified by the HI Digital VCR Council (see page3 paragraph 0066 and 0068).

Regarding claim4,14, Tauchi anticipates an apparatus according to claim 1, further comprising: reproducing means for reproducing the encoded data stream from said recording medium (see figure9); decoding means for decoding the high definition encoded image data and the standard definition encoded image data in the encoded data stream reproduced by said reproducing means (see figure9 element 47 and 48); sync data detecting means for detecting said sync data from a plurality of sync blocks in the encoded data stream reproduced by said reproducing means and discriminating the encoding method of the encoded image data in the encoded data stream reproduced by said reproducing means on the basis of a result the sync pattern of the detected sync data (see page5 paragraph 0110) ; and control means for controlling said decoding means on the basis of the encoding method discriminated by said sync data detecting means (see figure9 element 11).

Regarding claim5, 13, Tauchi anticipates an apparatus according to claim 1, wherein said recording medium is a magnetic tape (see page1 paragraph 0002; page3 paragraph 0066).

Regarding claim6, Tauchi anticipates a reproducing apparatus comprising: reproducing means for reproducing from a recording medium an encoded data stream constructed by a plurality of sync blocks each including encoded image data encoded

by a first encoding method or a second encoding method different from the first encoded method and sync data having different sync patterns according to the encoding method of the encoded image data(see figure9); decoding means for decoding by a decoding method corresponding to the first encoding method or the second encoding method, the encoded image data in the encoded data stream reproduced by said reproducing means (see figure9 elements 47 and 48); sync data detecting means for detecting sync data from a plurality of sync blocks in the encoded data stream reproduced by said reproducing means and discriminating the encoding method of the encoded image data in the encoded data stream reproduced by said reproducing means on the basis of the sync pattern of the detected sync data (see page5 paragraph 0110) ; and control means for controlling said decoding means so as to decode the encoded image data corresponding to the encoding method discriminated by said sync data detecting means 9see figure9 element 11).

Regarding claim7,15, Tauchi anticipates an apparatus according to claim 6, wherein the first encoding method comprises a high quality encoding method of encoding a video signal of high quality and the second encoding method comprises a standard quality encoding method of encoding a video signal of standard quality(see page3 paragraph 0066 and 0068).

Regarding claim8, 16,Tauchi anticipates an apparatus according to claim 7, wherein said first encoding method is an MP@HL method or an MP@H-14 method in

an MPEG encoding system and said second encoding method is a DV format method specified by the HD Digital VCR Council(see page3 paragraph 0066 and 0068).

Regarding claim9, 17, Tauchi anticipates an apparatus according to claim 6, wherein said recording medium is a magnetic tape (see page1 paragraph 0002; page3 paragraph 0066).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, all Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Girumsew Wendmagegn/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621

